In the High Court of Punjab and Haryana, Chandigarh.

Civil Revision No.341 of 2007

Date of Decision: 13.12.2007

Satya Narain

…Petitioner

Versus

Darshan Kumar Gupta

…Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr. B.R. Vohra, Advocate
for the petitioner.

RAJESH BINDAL, J.

The challenge in the present petition is to the orders dated dated May 20, 2006 passed by learned Rent Controller, Hisar and dated October 5, 2006 passed by learned Appellate Authority, Hisar, whereby the eviction of petitioner /tenant has been ordered on account of non-payment of rent.

After hearing counsels for both the parties, learned Rent Controller had fixed provisional rent of the demised premises at the rate of Rs. 2,500/- per month from the date of inception of tenancy vide order dated September 22, 2005 and the case was adjourned to September 30, 2006 for tendering of rent. However, inspite of the petitioner/tenant availing six opportunities, the rent was not tendered. In these circumstances, learned Rent Controller ordered eviction of the petitioner/tenant from the demised premises on the ground of non-payment of rent. Even before learned Appellate Authority, the petitioner failed where referring to and relying upon the judgment of Hon'ble the Supreme Court in ***Rakesh Wadhawan and Others v. M/s Jagdamba Industrial Corporation and Others 2003(1) Apex Court Judgments 610*** the eviction order of the petition on account of non-payment of rent was upheld.

Learned counsel for the petitioner could not dispute the fact that the rent so provisionally assessed by learned Rent Controller was not tendered by the petitioner inspite of six opportunities having been availed. His contention that learned Rent Controller has failed to assess the interest and costs and accordingly the eviction order passed deserves to be set aside and one more opportunity need to be granted is totally misconceived. The assessment of interest and costs would have added to the amount payable by the petitioner. Once the petitioner has not even tendered the amount of rent, such a plea cannot possibly be raised by him.

Accordingly, I do not find any error of jurisdiction in the impugned order passed by the Courts below and the revision petition is dismissed.

(Rajesh Bindal)
Judge

December 13, 2007
"DK"